

REMARKS

I. Status of the Application

Claims 1-16 are all the claims pending in the Application. Claims 1-16 have been rejected.

By the present amendment, claim 12 has been amended for reasons of clarity. The amendments to claim 12 are not made for patentability reasons and do not narrow the scope of the claims. Accordingly, this Amendment does not foreclose application of reasonable equivalents.

The present Amendment addresses each point of objection and rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

II. Claim Rejections Under 35 U.S.C. § 103

As an initial matter, Applicant notes that the grounds of rejection are internally inconsistent. Specifically, the grounds of rejection indicate that claims 1-16 have been rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by JP Patent 2002-052738 to Yanagida (hereinafter “Yanagida”) over U.S. Patent No. 6,247,784 to Obana (hereinafter “Obana”).

However, the grounds of rejection acknowledge that Yanagida fails to disclose or suggest all of the features recited in claims 1-16. *See e.g.*, 07/26/07 Office Action, page 3. Further, the applicable heading for the grounds of rejection reads “Claim Rejections – 35 USC §103.”

Therefore, Applicant assumes that the Examiner intended to reject claims 1-16 under 35 U.S.C. § 103 as allegedly being unpatentable over Yanagida in view of Obana, and Applicant has addressed the outstanding rejections accordingly.

Applicant respectfully traverses the Examiner's rejections of claims 1-16 under 35 U.S.C. § 103 as allegedly being unpatentable over Yanagida in view of Obana for *at least* the reasons set forth below.

In order for the Examiner to maintain a rejection under 35 U.S.C. §103, the cited references must teach or suggest all of the recitations of claims 1-16. Applicant respectfully submits that Yanagida, Obana, and any combination thereof, fails to teach or suggest all of the recitations of claims 1-16.

A. Independent Claim 1

For example, independent claim 1 recites (among other things):

...a control section which controls said moving mechanism in such a way as to move said carriage to a replacement position from a standby position in the case where said determining section has determined that replacement with said replacement liquid container should be performed.

The Examiner acknowledges that Yanagida fails to teach or suggest these features. *See e.g.*, 07/26/07 Office Action, page 3. Nevertheless, the grounds of rejection allege that Obana teaches these features at column 9, lines 45-57. Applicant respectfully disagrees with the grounds of rejection.

Obana teaches that a warning is indicated on an indication display 65*b* when non-discharge of ink is detected. As taught in Obana, such an out of ink warning shows that the ink cartridge needs replacing. Column 9, lines 28-32; FIG. 6, step S1.

Upon seeing such a warning on the indication display 65*b*, a user may then open the cover 61 in order to replace the ink jet cartridge 5. After the user opens the cover 61 (i.e., if Step

S2 = YES), or after a user has pressed the cartridge replacement key 65a (i.e., if Step S3 = YES), then the ink jet cartridge 5 moves to the replacement position M (i.e., Step S6).

Therefore, as taught in Obana, in order to move the ink jet cartridge 5 to the replacement position M, the user must first open the cover 61 or press the cartridge replacement key 65a.

That is, Obana merely teaches that the warning message is displayed when the ink jet cartridge 5 needs to be replaced, but does not teach or even remotely suggest that the carriage is moved to a replacement position in the case where said determining section has determined that replacement with said replacement liquid container should be performed, as recited in claim 1.

Contrary to the requirements of claim 1, Obana teaches that the control mechanism thereof controls the motor drive circuit 32 to move the ink jet cartridge 5 to the replacement position M in the case where the user has opened the cover 61, or the case where a user has pressed the cartridge replacement key 65a. Consequently, Obana does not teach, and cannot possibly suggest, the feature of a control section which controls a moving mechanism in such a way as to move said carriage to a replacement position in the case where said determining section has determined that replacement with said replacement liquid container should be performed, as claimed. In contrast to Obana, according to the invention recited in claim 1, when the liquid container needs to be replaced, the carriage is moved to the replacement position without requiring any further action on the part of the user. Accordingly, the burden imposed on the user is reduced.

Thus, Applicant respectfully submits that claim 1 is patentable over the cited references for *at least* these reasons. Moreover, the dependent claims 2-6 are patentable over the cited

references *at least* by virtue of their dependency. As such, Applicant respectfully requests that the Examiner withdraw these rejections.

B. Independent Claims 11 and 14

In view of the similarity between the requirements of claims 11 and 14 and the requirements discussed above with respect to independent claim 1, Applicant respectfully submits that arguments analogous to the foregoing arguments as to the patentability of independent claim 1 demonstrate the patentability of claims 11 and 14. As such, it is respectfully submitted that claims 11 and 14 are patentably distinguishable over the cited references *at least* for reasons analogous to those presented above. Further, Applicant submits that the dependent claims 12-13 and 15-16 are allowable *at least* by virtue of their dependency on claims 11 and 14, respectively. Thus, the allowance of these claims is respectfully solicited of the Examiner.

C. Independent Claim 7

Independent claim 7 recites (among other things):

...an information acquisition device having a second communication section communicatable in a non-contact manner, wherein the information acquisition device is provided at a portion of said cover portion that faces said first communication section.

The grounds of rejection fail to identify any aspect of the cited references that teaches or suggests the features of an information acquisition device having a second communication section communicatable in a non-contact manner, wherein the information acquisition device is provided at a portion of said cover portion that faces said first communication section, as

claimed. Therefore, Applicant submits that the grounds of rejection are improper for *at least* this reason.

Furthermore, none of the cited references, nor any combination thereof, teaches or suggests the above features. Contrary to the requirements of claim 7, Yanagida merely discloses a contact (141, 1213) provided in a cartridge holder and an IC memory (611, 511) provided on a cartridge. However, Yanagida teaches that the contact (141, 1213) mechanically contacts the IC memory (611, 511) to obtain the information from the IC memory (611, 511). As a result, Yanagida does not teach, and cannot possibly suggest, the feature of an information acquisition device having a second communication section communicatable in a non-contact manner, as recited in claim 7.

Furthermore, Obana fails to remedy the deficient teachings of Yanagida.

Accordingly, Applicant submits that claim 7 is patentable over Yanagida, Obana, and any combination thereof, for *at least* these reasons. Additionally, the dependent claims 8-10 are patentable *at least* by virtue of their dependency. Hence, Applicant respectfully requests that the Examiner withdraw these rejections.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
Application No.: 10/510,200

Attorney Docket No.: Q83917

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/ Andrew J. Taska /

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Andrew J. Taska
Registration No. 54,666

Date: October 26, 2007